

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JANIE SAMUEL, ET AL.,	:	Case No. 1:02CV00378
Plaintiffs,	:	JUDGE MICHAEL R. BARRETT
v.	:	
STEVEN M. HOOG, ET AL.,	:	<u>AFFIDAVIT OF PETER J.</u>
Defendants.	:	<u>STACKPOLE</u>

STATE OF OHIO)
)ss.
COUNTY OF HAMILTON)

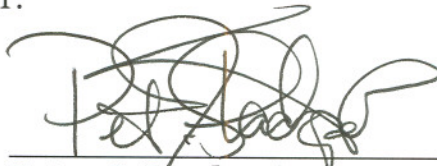
Now comes affiant, Peter J. Stackpole, and after being first duly cautioned and sworn, deposes and states as follows:

1. I am a resident of the State of Ohio, I am competent to provide this affidavit, and the contents of this affidavit are based upon my personal knowledge.
2. I am defense counsel for Steven M. Hoog and Michael A. Lotz.
3. Assistant Chief Mose DeMasi is unaware of any study regarding racial discrimination or segregation within the Cincinnati Fire Department.
4. Lieutenant Michael Cayse coordinated the production of discovery responsive to the subpoena issued to the City of Cincinnati.
5. I spoke with Lieutenant Cayse on September 24, 2007 to confirm that all records were provided, including FF Hoog's OIC records.



6. Lt. Cayse did not realize that the request for FF Hoog's OIC records extended beyond the May 29, 1999 through July 29, 2000 timeframe.
7. When the discovery responses, including microfiche tapes, were provided to me on August 30, 2007, I had no way of knowing that FF Hoog's OIC records were not entirely contained in the microfiche tapes.
8. When I tendered the discovery responses on August 31, 2007, I believed the responses were complete and accurate.
9. I didn't know the plaintiffs had any problem with the discovery responses until the motion for sanctions was filed on September 19, 2007, one day before the status conference was to be held.
10. I requested the Court's discovery order to protect the City from potential HIPAA violations.
11. I have not intentionally delayed or obstructed discovery.


FURTHER AFFIANT SAYETH NAUGHT.



Peter J. Stackpole

I hereby certify that the foregoing document was sworn to and signed in my presence this 24th day of August, 2007.





TERRANCE ALOYSIUS NESTOR
Attorney at Law
Notary Public
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.